

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

MICHAEL NACHMAN, individually and on
behalf of a class of similarly situated persons,

Plaintiff,

v.

TESLA, INC., TESLA LEASE TRUST, and
TESLA FINANCE LLC,

Defendants.

Case No. 2:22-cv-05976-RPK-ST

**Plaintiff's Notice of Supplemental Authority in Support of Motion for Leave to File
Amended Class Action Complaint**

Plaintiff Michael Nachman (“Plaintiff” or “Nachman”) respectfully submits this Notice of Supplemental Authority in support of his Motion for Leave to File Amended Class Action Complaint (“Motion”). On November 20, 2023, in accordance with the Court’s Order on September 30, 2023, Plaintiff filed the Motion. *See* ECF Nos. 24 and 26.

On April 25, 2024, the National Highway Traffic Safety Administration (“NHTSA”) issued the Closing Report, attached as Exhibit A, in its investigation of Tesla’s Autopilot. This report supports Plaintiff’s allegations in the proposed amended complaint and therefore granting leave to amend. For example, the NHTSA stated that in a December 12, 2023 filing, Tesla described the Autopilot system “as an SAE Level 2 (L2) Advanced Driver Assistance System.” Ex. A at 1. This supports Plaintiff’s allegations in paragraphs 26-27 of the proposed Amended Complaint, ECF No. 26-2, and thereby his Motion.

Additionally, the NHTSA stated:

Notably, the term “Autopilot” does not imply an L2 assistance feature, but rather elicits the idea of drivers not being in control. This terminology may lead drivers to believe that the automation has greater capabilities than it does and invite drivers to overly trust the automation. Peer vehicles generally use more conservative terminology like “assist,” “sense,” or “team” to imply that the driver and automation are intended to work together, with the driver supervising the automation.”

Ex. A. at 6.

This report supports Plaintiff’s allegations in the proposed Amended Complaint that the marketing is deceptive and thereby supports that the Motion should be granted. *See* ECF No. 26-2, ¶¶ 1, 3, 5, 8-10, 12, 48, 89, 119, 120, 123-126, 130.

Date: April 29, 2024

Respectfully submitted,

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